



May 25, 2016

Pamela G. Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: NH Site Evaluation Committee Docket No. 2015-02

Dear Ms. Monroe:

The Wind Action Group (“Windaction”), Lorraine Carey Block, and Richard Block (the “Blocks”), respectfully wish to respond to assertions by Antrim Wind LLC’s (“AWE” or “Applicant”) in its most recent objection. *Applicant’s Objection to Motion to Expand the Schedule* (May 24, 2016)

A. Notice of Withdrawal of March 10, 2016 Motion

Attached please find a notice filed jointly by Windaction and the Blocks to withdraw our March 10, 2016 Motion Requiring Portions of the Antrim Wind LLC Application be Brought into Compliance. While Windaction and the Blocks maintain that AWE’s application is deficient vis-à-vis the rules, we do not wish to pursue this action further with the Committee at this time.

B. Windaction Access to Confidential Information

AWE persists in rebuffing Windaction’s requests for certain documents. *Objection Of The Wind Action Group To Applicant’s Partially Assented-To Motion For Protective Order and Confidential Treatment* (April 25, 2016) In its aggressive labors to withhold the information, AWE now alleges Windaction waived its rights to any of the confidential documents. This is not the case, and the facts do not support AWE’s version of events.

1. Background

In response to data requests proffered by Counsel for the Public and Windaction, AWE supplied Counsel for the Public and the Committee with certain confidential documents. AWE provided Windaction only with a document it refers to as the “compromise” document. Around the same time, AWE also filed a Motion for Protective Order. *Motion for Protective Order and Confidential Treatment* (April 15, 2016)

AWE now alleges in its May 24, 2016 objection, that Windaction has waived its rights to the confidential documents claiming Windaction failed to comply with Site 202.12(k) to compel information in a timely manner. AWE's argument is specious and should be rejected for the following reasons.

2. Response

AWE omits from its complaint that on April 25, 2016 the parties convened at a technical session moderated by Attorney Iacopino during which Windaction again, and repeatedly requested AWE provide it access to the financial documents already supplied to Counsel for the Public and the Committee. Such technical sessions are, by design, intended to continue the discovery process face-to-face between the parties to better facilitate communications. It was appropriate for Windaction to ask for the documents at that time. Windaction also took the opportunity to examine the compromise document with AWE in order for Windaction to determine its adequacy.¹

It became evident at the technical session that none of Windaction's requests would move AWE off its refusal to share the documents, and that the compromise document would not prove adequate. On that same day, Windaction filed its timely objection to AWE's Motion for Protective Treatment wherein it made clear its request for the Committee to compel AWE to make the documents available to Windaction and to any other party requesting access. *Objection Of The Wind Action Group To Applicant's Partially Assented-To Motion For Protective Order And Confidential Treatment* (April 25, 2016) The Allen/Levesque Intervenor group also filed an objection compelling release of the documents. *Intervenor's Objection To Applicant's Motion For Protective Order And Confidential Treatment* (April 25, 2016)

When AWE filed the documents with the Committee, AWE believed, and made others believe, that the documents were, or could be part of the official Docket record. It was entirely appropriate for Windaction to file its request in the form of an objection and to plead that the Committee require AWE to release the documents. Both Windaction and the Allen/Levesque Intervenor group followed a process that was consistent with the rules.

Now AWE is resorting to hypertechnical and incomplete arguments nested within a complaint relating to scheduling to again block Windaction from having access to the documents. Such tactics in

¹ The list of technical session data requests now on the NH SEC website only includes data requests where AWE agreed to provide a response. http://www.nhsec.nh.gov/projects/2015-02/documents/2015-02_2016-04-29_tech_session_memorandum.pdf

this public process should not be rewarded. Windaction respectfully reasserts its request for the Committee to compel AWE to release the confidential documents to those parties seeking access.

Thank you for the opportunity to be heard on this important matter. If you have any questions regarding this letter or our Notice, please contact Lisa Linowes at (603) 838-6588 or by email at llinowes@windaction.org

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Lisa Linowes', with a long horizontal stroke extending to the right.

Lisa Linowes

cc: Service List for Docket No. 2015-02
Loranne Carey Block
Richard Block

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

RE: Application of Antrim Wind, LLC for Certificate of site and)
facility to construct up to 28.8 MW of wind electric generation in)
the town of Antrim, Hillsborough County, New Hampshire and)
operate the same (SEC Docket 2015-02).)

**NOTICE TO WITHDRAW OF MOTION REQUIRING PORTIONS OF THE ANTRIM
WIND LLC APPLICATION BE BROUGHT INTO COMPLIANCE**

On March 10, 2016, The Wind Action Group, Lorraine Carey Block, and Richard Block (the “Intervenors”), motioned for the New Hampshire Site Evaluation Committee (“Committee” or “SEC”) to require portions of the Antrim Wind, LLC Application for a Certificate of Site and Facility (“Application”) be brought into compliance with the Committee’s recently amended rules. The Intervenors now file this Notice to inform the Committee that they are withdrawing their previously filed Motion.

By:



Lisa Linowes, The Windaction Group



Lorraine Carey Block, Intervenor



Richard Block, Intervenor